

Application Serial No. 09/670,295

REMARKS

The present application was filed on September 26, 2000 with claims 1-27. Claim 28 was added in an Amendment dated June 14, 2004. Claims 1-28 are currently pending in the application. In the outstanding final Office Action dated June 21, 2005, the Examiner has: (i) rejected claim 28 under 35 U.S.C. § 112, second paragraph, as being indefinite; (ii) rejected claim 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,615,212 to Dutta et al. (Hereinafter "Dutta"); (iii) rejected claim 28 under § 102(e) as being anticipated by U.S. Patent No. 6,553,393 to Eibott et al. (Hereinafter "Eibott"); (iv) rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,345,303 to Knauerhase et al. (hereinafter "Knauerhase"), in view of U.S. Patent No. 6,763,460 to Hild et al. (hereinafter "Hild"); and (v) indicated that claims 1-27 are allowed.

In this response, Applicants traverse the § 102(e) and § 103(a) rejections for at least the reasons set forth below. Applicants respectfully request reconsideration of the present application in view of the above amendments and the following remarks.

Claim 28 stands rejected under § 112, second paragraph, as being indefinite. The Examiner contends that the terms "couplable" and "configurable" recited in claim 28 makes the claim "indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results" (final Office Action; page 3, first paragraph). While Applicants respectfully disagree with this contention, claim 28 has been amended in a manner which is believed to address the § 112 rejection. Specifically, the term "couplable" in claim 28 has been replaced by the term "connecting," as suggested by the Examiner, and the phrase "configurable for transmitting" has been replaced by the phrase "operative to transmit." Accordingly, withdrawal of the § 112 rejection of claim 28 is respectfully solicited.

Claim 28 stands rejected under § 102(e) as being anticipated by either Dutta or Eibott. The Examiner contends that both Dutta and Eibott disclose each of the elements set forth in claim 28. Although Applicants respectfully disagree with this contention, without characterizing the Dutta or Eibott references, claim 28 has been amended to recite elements comparable to claim 1, which has been allowed. The above amendments to claim 28 are not believed to require further consideration and/or search, and are intended to place the application in better form for appeal. As such, entry of these amendments is respectfully requested.

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Specifically, claim 28, as amended, requires that the at least one transcoding proxy is operative "(i) to transcode the at least one encrypted component; and (ii) to selectively manipulate the at least one transcoded encrypted component, the transcoding and manipulating of the at least one encrypted component being performed without a need for first decrypting the at least one encrypted component . . ." The correspondence between claims 1 and 28 is more clearly illustrated in the table below.

CLAIM 1	CLAIM 28
"A method for securely transcoding data from a content provider for use by a client device"	"An apparatus for securely transcoding multimedia data for use by a client device"
"generating a plurality of data components at the content provider, the components being a decomposition of the data"	"the content provider generating a plurality of components from the multimedia data and ..."
"encrypting each of the data components"	"encrypting each of the plurality of components"
"transmitting the encrypted data components from the content provider to a transcoding proxy"	"the at least one transcoding proxy receiving at least one encrypted component from the content provider and ..."
"transcoding, at the proxy, the encrypted data components"	"being operative: (i) to transcode the at least one encrypted component; and ..."
"selectively manipulating the transcoded encrypted data components"	"(ii) to selectively manipulate the at least one transcoded encrypted component"
"transmitting the manipulated transcoded data components generated by the transcoding proxy to the client device"	"wherein the at least one transcoding proxy is operative to transmit the at least one manipulated transcoded component to the client device"
"wherein the steps of transcoding and manipulating the encrypted data components are performed without a need for first decrypting the encrypted data components"	"the transcoding and manipulating of the at least one encrypted component being performed without a need for first decrypting the at least one encrypted component"

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As apparent from the above table, each of the method steps set forth in claim 1 is, in some way, incorporated into the apparatus of claim 28. Consequently, since claim 28 is of similar scope to claim 1, which the Examiner has indicated as being allowed, and since the prior art fails to disclose all of the elements recited in claim 28, Applicants assert that claim 28 is also patentable over the prior art. Accordingly, favorable reconsideration and allowance of claim 28 is respectfully requested.

Claim 28 also stands rejected under §103(a) as being unpatentable over Knauerhase, in view of Hild. Applicants believe that this rejection may be a typographical error, as the Examiner makes reference to claim 1 rather than to claim 28 (final Office Action; page 4, first paragraph). Notwithstanding the above, Applicants respectfully disagree with the Examiner's contention that the combination of Knauerhase and Hild disclose all of the elements set forth in claim 28. However, without characterizing the Hild reference, Applicants submit that Hild is not believed to be prior art against the claimed invention. Specifically, Hild, which was filed prior to but issued after the filing date of the present application, and the claimed invention were, at the time the invention was made, owned by the same entity or subject to an obligation of assignment to the same entity, namely, International Business Machines Corp. In the present application, this assignment was recorded on September 26, 2000, at reel 011178, frame 0843.

As set forth in 35 U.S.C. §103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Applicants therefore assert that Hild should not be considered prior art in the present application. Accordingly, favorable reconsideration and allowance of claim 28 are respectfully solicited.

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In view of the above, Applicants believe that pending claims 1-28 are in condition for allowance, and respectfully request withdrawal of the §112, §102(e) and §103(a) rejections.

Respectfully submitted,



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